

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JACOB HOWELL,

Petitioner

v.

J. CASTANEDA,

Respondent

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CIVIL NO. 1:12-CV-2341

(Judge Rambo)

(Magistrate Judge Carlson)

MEMORANDUM

Before the court is an October 14, 2014, report and recommendation of the magistrate judge (Doc. 16), in which he recommends that the procedural issues, i.e., that the Bureau of Prisons violated its own regulations by (1) failing to hold a timely hearing, and (2) failing to provide Petitioner with staff assistance in his disciplinary hearing.¹ Objections to the report and recommendation were due no later than October 31, 2014 and, to date, no objections have been filed.

After review of the facts and the law applicable to this case, the court finds that Howell has procedurally defaulted by not exhausting his administrative remedies. Should reasonable minds disagree with this finding, the court also finds that Howell's procedural claims fail for the reasons set forth in the report and recommendation. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: November 6, 2014.

¹In a prior report and recommendation filed July 21, 2014 (Doc. 8), the magistrate judge recommended that the petition be granted in part and denied in part and that this matter be remanded to the Bureau of Prisons with the instructions to (1) afford Howell a DHO hearing in which his potentially exculpatory evidence is addressed, or (2) that the disciplinary citation be expunged. By memorandum and order dated October 1, 2014 (Docs. 14 & 15), the court rejected the report and recommendation and remanded the matter to the magistrate judge for consideration of the remaining issues.